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South Carolina House of Representatives



Legislative Update

Robert J. Sheheen, Speaker of the House

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House Week in Review

Last week, the General Assembly ratified its first bill for the two year session. H.3445, which would set the House District 54 election for March 26, received the R.1 designation.

With only one candidate filing for the Marlboro County House seat, this joint resolution will move up the date of the special House election, thereby allowing the it to coincide with the state Senate District 28 primary set for that date. Setting the election for March 26 also will allow the new representative to be sworn in before the House begins consideration of legislative reapportionment, which will start around April 1 when new U.S. Census data are available.

The House of Representatives also gave third reading Wednesday to H.3421, a Labor, Commerce and Industry Committee bill creating the Real Estate Appraiser Registration, License and Certification Act.

By a 97-0 vote, the House have H.3081 a second reading. This environmental bill would prohibit the sale of cleaning agents containing phosphates. After receiving a third reading Thursday, H.3081 was sent to the Senate.

By unanimous consent, the House gave final approval Friday to H.3320, legislation which would require biennial continuing education for agents licensed to sell property and casualty insurance.

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Bills Introduced

The following bills were introduced in the House of Representatives last week. Not all bills introduced in the House are featured here. The bill summaries are arranged according to the standing committee to which the legislation was referred.

Agriculture, Natural Resources and Environmental Affairs

Need for Hazardous Waste Facilities (H.3521, Rep. Sharpe). Under this legislation, no permit to expand or construct a new hazardous, infectious or solid waste management facility could be issued until the applicant have demonstrated a need for the expansion or new facility. "For purposes of demonstrating need, hazardous, infectious or solid waste generated outside this state may not be considered." It would be left to the Department of Health and Environmental Control to promulgate regulations to implement these demonstration of need provisions.

Education

Proof of Insurance (H.3488, Rep. M.O. Alexander). Under this bill, all drivers must carry proof of automobile insurance when they are driving whether the vehicle they are driving is registered to them or not. In the event of an accident, the driver would be required to furnish the proof of insurance. Failure to have the insurance verification would be a misdemeanor punishable by a fine of not more than two hundred dollars or no more than thirty days in jail. Law officers would be required to add information about the driver's insurance coverage to other information now required for accident reports considered proof of no insurance. The bill would also require the department to provide accident forms which would include portions on insurance verification.

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Prohibitions on Legislator Elections (H.3523, Rep. Vaughn). This legislation would prohibit any member of the General Assembly from being elected to a salaried office or position while a member of the Legislature. Further, no former member of the Legislature would be eligible for legislative election to such a position for two years after he or she left office. These provisions would not apply to those legislators currently sitting when this legislation went into effect.

Three Wheel Vehicles (H.3524, Rep. Kirsh). This legislation would specifically define three-wheel vehicles, separating them from the definition of a motorcycle. Fifteen-year-olds applying for beginner's license could operate a three wheel vehicle if the accompanying older driver is seated directly behind the beginner or beside him if the vehicle is equipped with bench seats.

Students and Paging Devices (S.623, Senate Education Committee) This bill would prohibit any public student from kindergarten through the 12th grade from carrying beepers on school property or at any school sponsored event. Exceptions to this rule would be students who are volunteer firemen or emergency medical service volunteers or those who carry the beepers for legitimate medical reasons. It would be left up to the school principals as to what constitutes a "legitimate medical reason." It would also be left up to school boards to devise the punishment for violation of this prohibition. Any person who discovered a beeper being carried by a student would report the matter to the school administration who would have the beeper confiscated. The beeper would be forfeited to the school district.

Judiciary

Underage Children and Drinking At Home (H.3505, Rep. Wilkins) This bill would make it illegal for a parent to allow or permit the consumption of alcoholic beverages in his or her home by person under the age of 21. Violation of this provision would be a misdemeanor punishable by a fine of not more than two hundred dollars or imprisonment for no more than thirty days. This prohibition would not apply to an overage spouse giving alcoholic beverages to an underage spouse, to parents giving alcoholic beverages to their underage children, or alcoholic beverages given children as part of religious ceremonies.

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Tax Referendum (H.3512, Rep. Keegan). Under this legislation, any tax increase, whether it is levied by the state, county, municipality, school district or any other taxing entity, must be approved by a referendum vote by the people who would bear the new taxes. This referendum requirement would go into effect after July 1, 1991 if this legislation is enacted.

Foundations and FOI Requirements (H.3519, Rep. Kirsh) Under this bill, the state Freedom of Information Act would be expanded so that the term "public body" would include any "affiliated public charity operating for the benefit of a public body including, but not limited to, a separately chartered eleemosynary corporation," which would apply to foundations.

State-Run Primary Elections (S.362, Sen. Holland). This legislation would authorize the State Election Commission and the respective county election commissions to conduct primary elections instead of the political parties. The exception would be municipal elections. The primary election date would remain the second Tuesday in June, under this legislation. Political parties would certify the names of all candidates for the primary with the State Election Commission or county election commissions not later than May 1 for the June primary. Filing fees, which would go for paying for the primary election, would be one percent of the total salary for the term of that office or \$100, whichever is greater.

The State Election Commission and the respective county election commissions would be responsible for preparing the primary election ballots. The legislation also stipulates how precinct managers would be chosen and challenges handled. This legislation still would allow political parties to hold presidential preference primaries.

Labor, Commerce and Industry

Drug Testing of State Employees (H.3489, Rep. Neilson). This legislation outlines the procedures to be followed for state employee drug testing and the testing of applicants for state jobs. The legislation addresses what procedures must be followed by employers when instituting drug testing for employees or applicants. It states how the drug testing must be performed, how employees are selected for the testing, how specimen collection must be performed and test results handled, and the rights of employees and employers in connection with this procedure.

The legislation also specifies how laboratories may be selected, what procedures the laboratory must use in testing and reporting the results, the confidentiality of drug testing and its results, and what actions may be sought for violation of this legislation.

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Administration Fees for Insurance Enforcement (H.3507, Rep. Jimmy Bailey). This legislation would give back to the Highway Department the dollar from each automobile insurance annual premium the department was receiving to administer the financial responsibility provisions of the automobile insurance laws. The provisions formerly allowing the Highway Department to collect these fees were eliminated by legislation last year.

Bottomless Bars (H.3513, Rep. Keegan). This legislation would prohibit clubs with alcoholic beverage and/or beer and wine licenses from allowing bottomless entertainment at the club. Such entertainment could also be grounds for suspension or revocation of current liquor licenses.

Prospective State Employee Drug and Alcohol Testing (H.3515, Rep. Neilson). This bill would allow state agencies to test prospective employees for drugs or alcohol as a condition of employment. The employer would have to pay for the initial testing and enough of a sample must be taken from the prospective employee to do the test and a confirmation test if the employee desires it.

The bill outlines the criteria for the collection, storage and testing of the sample. Testing or retesting must be carried out within the terms of a written policy which would be available for review by prospective employees. A verified positive drug or alcohol test, or the refusal of a prospective employee to take the test, could be used by the employer for refusing to hire the employee. If the initial test is positive, the employee may require a confirmation testing of the rest of the sample. If these results are negative, testing from another sample must be conducted if the employee desires. The employer then can give no consideration to the results of the first test when deciding whether to hire the employee.

The bill also stipulates what cause of action can and cannot arise from the testing program. It also contains a confidentiality provision.

Medical, Military, Public and Municipal Affairs

911 Systems (H.3494, Rep. Wilkins). The purpose of this legislation is to authorize each county or municipality to establish and operate 911 public safety communications centers in their jurisdictions, to encourage political subdivisions to do the same, and to provide a funding method that will allow the implementation, operation and maintenance of the 911 system. Under this legislation, a 911 system would provide law enforcement, fire and emergency medical services. Other emergency services would be incorporated into the system at the discretion of the local government.

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Written agreements would be signed among state, county and local public safety entities detailing what calls would be answered by each agency. In every county where a county-wide 911 system is established, every emergency provider within that territory would participate in the county-wide system. The legislation specifies the criteria each 911 system must meet. These would include the capability of answering 99 percent of calls within 10 seconds, electronic recording of all 911 calls, standby emergency power, coin free dialing to connect with 911, among other specifications.

Local governments seeking funds to establish a 911 system would submit their plans to the Public Service Commission. The plan would have to conform to the planning guidelines outlined in the bill and current tariffs would have to be designed to meet the requirements of the public safety agencies available through the proposed 911 system. Under this legislation, local governments would be authorized to impose a uniform monthly tariff charge to be adopted by ordinance to pay for the 911 system. The legislation establishes the maximum amount subscribers could be billed for an individual exchange lines. The bill also states telephone subscribers would be liable for charges imposed to operate the 911 system in their areas.

The legislation also directs that local governments, upon contracting for a 911 system, would have to standardize street addresses, thereby eliminating rural routes and box number designations. Businesses and residences receiving new addresses would have to post the new address numbers, according to this legislation.

The bill also includes provisions making it illegal to misuse the 911 system and establishes penalties.

Infants and Toddlers with Handicapping Conditions (H.3504, Rep. Waites). This legislation makes changes in the former provisions dealing with handicapped infants and toddlers, including expanding the language to include infants and toddlers with disabilities, instead of "handicapping conditions" as it now appears in the law. The bill states that the purpose of the legislation is to provide early intervention services to infants and toddlers with disabilities contingent upon the appropriation of federal funds. The legislation updates the language of the bill to conform with new federal provisions. Federal, state, local and private programs are directed to work together to provide the intervention services. A joint funding plan for these coordinated service would be submitted to the Joint Legislative Committee on Children by August 1 each year. The legislation also calls for the establishment of county or multi-county local interagency planning councils.

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Ways and Means

Filing Deadlines Extended (S.393, Sen. Martschink). This joint resolution would direct the State Tax Commission to follow IRS guidelines and extend the time participants in Operation Desert Shield have to file their state income tax returns for the 1990 tax year. These extensions would be made without penalty. Extensions for paying corporate income and license taxes would be extended if all corporate officers are participants in Operation Desert Shield. Deadline for property taxes also would be extended for these military personnel. The deadline for property tax payment would be extended without penalty to June 15, 1991, and could be extended again by the Tax Commission if warranted, but not beyond October 1, 1991.